

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,) CASE NO. MJ 17-429
)
Plaintiff,)
)
v.) DETENTION ORDER
)
NABIL SAYYID HESTER,)
)
Defendant.)
_____)

Offenses charged: Three count Complaint:

1. Felon in Possession of Three Firearms
2. Possession of Heroin with Intent to Distribute
3. Possession of Firearm (Colt .45 pistol) in furtherance of a drug trafficking crime

Date of Detention Hearing: October 20, 2017.

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure either the safety of other persons and the community or that defendant will make his future appearances as directed.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

- (1) The affidavit in support of the complaint recites that defendant is well known to the affiant and to other law enforcement officers as a frequent dealer of heroin on the streets, and that defendant freely admits this. He has been arrested many times for this conduct.
- (2) He was arrested on this occasion while attempting to make a sale of heroin to an undercover officer. When arrested, he possessed two baggies of heroin, and carried a loaded pistol in his waistband.
- (3) He told the officers he was living in a motel room, and that they would find guns drugs and money in that room. The room was searched, and the officers found heroin and cocaine, the two additional firearms charged in the complaint, and \$500 in cash.
- (4) Defendant's criminal record includes at least five prior felony convictions: (a) felony possession of marijuana in Florida, 2010; (b) Battery and Robbery, in Florida, 2011; (c) failure to appear, in Florida, 2010; (d) and (e) two convictions for conspiracy to possess heroin, in King County, April of 2017.
- (5) He advised this court's pretrial services officer he has been unemployed since 2014. In a hearing in Superior Court earlier this year, defendant advised the court that in the past six years his only income has been from selling heroin.
- (6) Defendant admits he has used heroin until two days ago. He also is a regular user of marijuana.

01 (7) He claims to have relatives and friends in this area, and proposes to stay with them
02 when released on bond. But he has been living at the Hillside Motel, not with any
03 relatives or friends, and does not know their addresses.

04 (8) Defendant presents a danger to other persons and the community, and a
05 significant risk of non-appearance. There are no conditions of release he can meet
06 which would adequately address these risks.

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08 It is therefore ORDERED:

- 09 1. Defendant shall be detained pending trial and committed to the custody of the
10 Attorney General for confinement in a correction facility separate, to the extent
11 practicable, from persons awaiting or serving sentences or being held in custody
12 pending appeal;
- 13 2. Defendant shall be afforded reasonable opportunity for private consultation with
14 counsel;
- 15 3. On order of the United States or on request of an attorney for the Government, the
16 person in charge of the corrections facility in which defendant is confined shall deliver
17 the defendant to a United States Marshal for the purpose of an appearance in
18 connection with a court proceeding;

01 4. The Clerk shall direct copies of this Order to counsel for the United States, to counsel
02 for the defendant, to the United States Marshal, and to the United States Pretrial
03 Services Officer.

04 DATED this 20th day of October, 2017.

05 s/ John L. Weinberg
06 United States Magistrate Judge
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